



Terry Tamminen
Secretary for
Environmental
Protection

California Regional Water Quality Control Board

Los Angeles Region

Over 50 Years Serving Coastal Los Angeles and Ventura Counties
Recipient of the 2001 *Environmental Leadership Award* from Keep California Beautiful



Arnold Schwarzenegger
Governor

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.swrcb.ca.gov/rwqcb4>

Aziz Elattar
Caltrans, District 7
120 S. Spring Street, MS 16A
Los Angeles, CA 90012

WATER QUALITY CERTIFICATION FOR PROPOSED VEN 23 GRIMES CANYON (BR. 53-114) ROCK SLOPE PROTECTION PROJECT (Corps' Project No. 2004-01397-MDC), UNNAMED TRIBUTARY TO ARROYO LAS POSAS, CITY OF VENTURA, VENTURA COUNTY (File No. 04-108)

Dear Mr. Elattar:

Regional Board staff has reviewed your request on behalf of Caltrans, District 7 (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on July 13, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-5733.

[ORIGINAL SIGNED BY]

JULY 22, 2004

Jonathan Bishop
Interim Executive Officer

Date

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

DISTRIBUTION LIST

Jennifer Leung
Caltrans, District 7
120 S. Spring St. MS 16A
Los Angeles, CA 90012

Vicki Clark, Staff Attorney
Environmental Defense Center
906 Garden Street
Santa Barbara, CA 93101

Oscar Balaguer
State Water Resources Control Board
Division of Water Quality
P.O. Box 944213
Sacramento, CA 94244-2130

Jessie Altstatt
Santa Barbara Channel Keeper
714 Bond Street
Santa Barbara, California 93103

Peter Brand
Coastal Conservancy
1330 Broadway, Suite 1100
Oakland, CA 94612

Mark Cohen
U.S. Army Corps of Engineers
Regulatory Branch, Ventura Field Office
2151 Alessandro Drive, Suite 255
Ventura, CA 93001

Aaron Setran (WTR-8)
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Tim Vendlinski
Supervisor, Wetlands Regulatory Office (WTR-8)
US EPA, Region 9
75 Hawthorne
San Francisco, CA 94105

Diane Noda
U.S. Fish and Wildlife Service
2493 Portola Road, Suite B
Ventura, CA 93003

ATTACHMENT A

Project Information File No. 04-108

1. Applicant: Aziz Elattar
Caltrans, District 7
120 S. Spring St, MS 16A
Los Angeles, CA 90012

Phone: (213) 897-0686 Fax: (213) 897-2593
2. Applicant's Agent: Jennifer Leung
Caltrans, District 7
120 S. Spring St., MS 16A
Los Angeles, CA 90012

Phone: (213) 897-4595 Fax: (213) 897-2593
3. Project Name: Ven 23 Grimes Canyon (Br. 53-114) Rock Slope Protection
4. Project Location: Ventura area, Ventura County
Longitude: -118.9177; Latitude: 34.3533

U.S.G.S. Moorpark quadrangle
Township 3N Range 19W Section 18
5. Type of Project: Rock Slope Protection
6. Project Description: *Purpose:*

The purpose of the project is to place rock slope protection in order to correct the advanced erosion of the left embankment, prevent additional erosion from undercutting and collapsing the roadway, and to prevent additional erosion from eroding or destabilizing the bridge abutment.

Description:

The project was added as part of a list of locations approved by Federal Highways Administration as a part of the emergency fire response program. The project qualifies as an emergency exemption from CEQA. The project area is designated as a disaster area and the proposed work activities should be implemented to prevent an emergency.

The project proposes to place rock slope protection at the

ATTACHMENT A

Project Information File No. 04-108

downstream side of the Grimes Canyon Bridge (Br. 52-114) along Route 23 at postmile 20.76 in Ventura County.

The project proposes to place approximately 40 cubic yards of ungrouted quarter to 1-ton sized rock slope protection along the left embankment at the downstream side of the bridge. Approximately 5 cubic yards of material will be removed from the channel. The permanent impact area where the rock slope protection will be placed is 20 feet in length and 10 feet in width for a total of 0.0045-acre (200 square feet). The existing footprint will not be extended beyond original design. Therefore, the permanent impacts are not newly created impacts.

Access to the project impact area will be obtained from an existing 10-foot wide access path into the channel from the next bridge (Br. 52-115) located approximately 790 feet from the impact area. Therefore, the temporary impact area is approximately 0.18-acre (7900 square feet). Clearing and grubbing of vegetation is not expected to occur as a result of the proposed project.

Live staking of native willow and mulefat cuttings will be planted in the rock voids, which will provide a root mat that would further stabilize the soil by reinforcing the binding soil particles together. In addition, establishment of the cuttings would improve aesthetics and provide wildlife habitat. Existing access roads will be used to enter the streambed. Therefore, clearing or removal of vegetation is not expected to occur as a result of the proposed project.

- | | |
|--|---|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
(Permit No. 2004-01397-MDC) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act (CEQA) Compliance: | The proposed project is Categorical Exempt from CEQA pursuant to the CEQA Guidelines, Section 15269 (Emergency Projects). |
| 10. Receiving Water: | Receiving water from Arroyo Las Posas (Hydrologic Unit No. 403.62) |

ATTACHMENT A

Project Information File No. 04-108

- | | |
|--|--|
| 11. Designated Beneficial Uses: | MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, COLD, WILD |
| | * Conditional Beneficial Uses |
| 12. Impacted Waters of the United States: | Non-wetland waters (unvegetated streambed): 0.18 temporary [790 linear feet] and 0.0045 permanent acres within the already impacted portion of the channel |
| | [The existing footprint will not be extended beyond original design. Therefore, the permanent impacts are not newly created impacts.] |
| 13. Dredge Volume: | Approximately, 40 cubic yards of rock riprap will be placed along the left embankment for a total of 0.0045-acres of permanent impacts [200 square feet]. |
| 14. Related Projects Implemented/to be Implemented by the Applicant: | There are no past, current, or future projects carried out in the last five years or planned for implementation in the next five years that are related to the proposed project or may impact the same receiving body of water. |
| 15. Avoidance/Minimization Activities: | <p>The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:</p> <ul style="list-style-type: none">• The footprint of the work will be minimized to the smallest area possible. Work activities shall be limited to the downstream side of the bridge (Br. 52-114). The linear extent of work activities within the creek bed shall be limited to the access point, which is located approximately 790 feet from the proposed embankment;• No debris, soil, sand, slash, bark, sawdust, rubbish, cement or concrete washing thereof, asphalt, oil or petroleum products, or any other material that may be harmful to fish or wildlife, that results from any maintenance or associated activity of whatever nature that is conducted by Caltrans or their contractor(s) should be allowed to enter or be placed where it may be washed by rainfall or runoff into waters of the United States;• When operations are completed, any excess materials or debris should be removed from the work area;• Any equipment or vehicles driven and/or operated within or |

ATTACHMENT A

Project Information File No. 04-108

adjacent to the channel should be checked and maintained daily to prevent leaks or materials, that if introduced into water should be deleterious to aquatic life;

- There should be single access path in order to limit the temporary disturbances to the channel bed as much as possible;
- It is recommended that native mulefat (*Baccharis salicifolia*) be planted in the rock voids to assist in preventing future erosion and stabilize the rock slope protection. In addition, planting native vegetation provides vegetative cover for wildlife and enhances the quality of the stream corridor.

16. Proposed
Compensatory
Mitigation:

Since the project impacts are temporary in nature, the Regional Board will not require any additional compensatory mitigation.

17. Required
Compensatory
Mitigation:

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

ATTACHMENT B

Conditions of Certification File No. 04-108

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the State. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the State.

ATTACHMENT B

Conditions of Certification File No. 04-108

4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the State.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the State during a rainfall event, or at any period when site conditions would lead to excessive erosion. If any construction activities are to be held within five (5) days of a predicted rainfall event, the Applicant shall stage materials necessary to prevent water degradation on site, and shall ensure that all stabilization procedures are completed prior to the rainfall event.
9. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.
10. All project activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and

ATTACHMENT B

Conditions of Certification File No. 04-108

grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.

11. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
12. The Applicant shall restore the proposed **0.18 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the State. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
13. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **May 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the project activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1; and

Conditions of Certification
File No. 04-108

- "I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

____ (Signature)
____ (Title)''

- 4 of 6

ATTACHMENT B

Conditions of Certification File No. 04-108

NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

19. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.

20. *Enforcement:*

- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under State law. For purposes of section 401(d) of the Clean Water Act, the applicability of any State law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
- (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
- (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.

ATTACHMENT B

Conditions of Certification File No. 04-108

21. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.